IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

S. C. SUIT NO. 4029 OF 1990

Seema Synthetic Fabrics P. Ltd. .. Plaintiffs

Vs.

The Ambica Silk Mills Co. Ltd. .. Defendants

P. N. Gonwani i/b

K. S. Jain for the Plaintiff.

None for the Defendants.

CORAM: S.K. SHAH, J.

DATE : 27th April, 2006.

P.C.

The suit is undefended against the only defendant. The suit is placed on the foot of the running account of the plaintiffs firm. The plaintiffs have made advance payment to the defendants for the supply of the goods. At times goods were delivered and at times the goods were not delivered. The plaintiffs were maintaining running account in their books of account. At the foot of the account an amount of Rs. 1,20,146/- has become due and payable from the defendants to the plaintiffs. Plaintiffs have filed the statement of accounts showing the amount of Rs. 78,093/- due from the defendants to the plaintiff. The claim of Rs. 1,20,146/- is inclusive of interest. The plaintiffs have therefore established the claim. The suit of the plaintiffs be decreed.

2. The defendants shall pay to the plaintiffs a sum of Rs. 1,20,146/-

with interest on the principal amount of Rs. 78,093/- @ 12% per annum from the date of the suit till realisation of the amount. The defendants shall also pay the costs to the plaintiffs. The decree be drawn accordingly.

(S. K. SHAH, J)